

pn 241131

In the County Court Leon County, Florida

Warrant# 20190#2990
 Agency Case # MFC-19-05885
 Officer I.D.# 1342
 Charge Abuse of a disabled adult
 ORI FL0370154
 Degree of Charge Felony 3rd degree
 Statute 825.102(1)(b) 2
 DOB _____ Sex F
 Race B Hgt _____
 Wgt _____ Hair _____
 Eyes _____ SSN 592-39-3690

STATE OF FLORIDA

vs.

Latessa Chakia Smith. COMPLAINT

Quincy, Fl 32351-7612.

**IN THE NAME AND BY THE AUTHORITY OF THE STATE
OF FLORIDA:**

Before me, the undersigned authority, personally appear, **LEI Robert Smith**, who, first being duly sworn says that on the 23rd day of June 2019, in Leon County, Florida, the aforesaid defendant did:

Knowingly or willfully committed an intentional act that could reasonably be expected to result in physical or psychological injury to a disabled adult,

: contrary to Sec., 825.102(1)(b), F.S.

contrary to the statute, rule regulation or other provision of law in such case made and provided, and against the peace and dignity of the State of Florida.

Robert Smith

Complainant

107 W. Gaines Street, Tallahassee, Florida

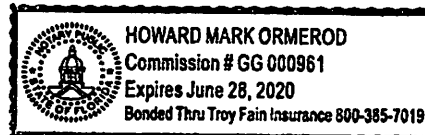
Address

FILED
 2019 AUG 30 PM 1:30
 CLERK OF SUPERIOR COURT
 LEON COUNTY, FLORIDA

Sworn to and subscribed before me this 29 day of August 2019.

Howard Mark Ormerod

 Judge, Assistant State Attorney or Notary Public



In the County Court
Leon County, Florida

2019 Jul 31

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CLERK OF THE COURT
LEON COUNTY, FLORIDA

STATE OF FLORIDA
vs.

Latessa Chakia Smith

WARRANT

Quincy, FI 32351-7612.

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA:

TO ALL AND SINGULAR THE SHERIFFS OF THE STATE OF FLORIDA:

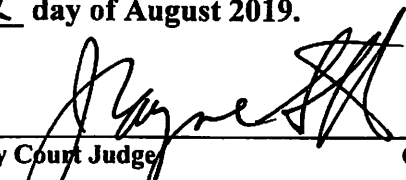
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Knowingly or willfully committed an intentional act that could reasonably be expected to result in physical or psychological injury to a disabled adult,

: contrary to Sec., 825.102(1)(b), F.S.
contrary to the statute, rule regulation or other provision of law in such case made and provided, and against the peace and dignity of the State of Florida.

THESE ARE, THEREFORE, to command you to arrest instanter the aforesaid defendant and bring him or her before me to be dealt with according to law.

Given under my hand and seal this 29th day of August 2019.



County Court Judge _____ County _____ (SEAL)

WARRANT

FAR, NEW J.K.



THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

Spn 261131

2019082990

STATE OF FLORIDA
COUNTY OF LEON

2019 AUG 30 PM 1:31

MFCU AGENCY
CASE # MFC-19-05885

DEPUTY MARSHALL
CLERK & COMPTROLLER
LEON COUNTY, FLORIDA

**AFFIDAVIT IN SUPPORT FOR
AN ARREST WARRANT FOR LATESSA SMITH**



Before me, the undersigned Notary Public of the State of Florida, personally appeared Robert Smith, Law Enforcement Investigator with the Medicaid Fraud Control Unit, Office of the Attorney General, who first being duly sworn, deposes and states as follows:

Your Affiant, Robert Smith, has been employed as a Law Enforcement Investigator with the Medicaid Fraud Control Unit, a department within the Attorney General's Office, since June 14, 2019. Prior to that, your Affiant was employed by the Florida Supreme Court Marshal's Office, where your Affiant served as a Deputy Marshal for a period of over five years. Prior to that, your Affiant was employed by the Florida Department of Law Enforcement, where your Affiant served as a uniformed officer with Capitol Police, for a period of fourteen years, twelve of those years as a supervising Sergeant. Your Affiant retired from this position in February 2011 and remained retired until October of 2013 when your Affiant began working for The Florida Supreme Court. Your Affiant also worked for nine years as a Deputy Sheriff with The Leon County Sheriff's Office (August 1984 - February 1993). During this time, your Affiant has conducted investigations involving crimes concerning persons, property and fraud.

The Medicaid Fraud Control Unit (MFCU) operates under the supervision of the Florida Attorney General's Office and exists to investigate fraud in the Medicaid Program. The MFCU is authorized to investigate the possible criminal violation of applicable state laws pertaining to fraud in the administration of the Medicaid program, in the provision of medical assistance, or in the activities of providers of health care under the Medicaid program, and to investigate alleged abuse, neglect or exploitation of patients' private funds in healthcare facilities receiving payments under the Medicaid program, pursuant to 42 U.S.C. § 1396b(q) and § 409.920(9), Florida Statutes. The MFCU is also authorized to investigate any other criminal violations uncovered during the course of those investigations pursuant to § 16.59, Florida Statutes.

Your Affiant further states that the facts and reliable evidence supporting this Affidavit establish probable cause to believe that on Sunday, June 23, 2019, **LATESSA CHAKIA SMITH** a black female, date of birth _____ whose last known address is _____ Quincy, Gadsden County, Florida, 32351-7612 did commit the following violation: Abuse of a Disabled Adult, contrary to Florida Statute § 825.102(1) The facts and evidence are as follows:

Your Affiant spoke with Elizabeth Schlein, Director of [redacted] in reference to her [redacted] investigation. Ms. Schlein stated that on Sunday June 23, 2019, Latessa Smith was working at [redacted] as a Direct Support Professional (DSP), whose primary function per the position description is: "to provide supports and services to individuals assisting them in acquiring and maintaining skills that increase their independence." Schlein reported that [redacted] was sitting on the porch with other residents and staff. [redacted] became upset because his MP3 player would not work. [redacted] started having a behavior, grabbing other residents, kicking at staff, and turning over furniture. [redacted] fell to the ground hitting the back of his head on the wall and floor. After [redacted] calmed down, he was escorted to his room by DSP Johnson and DSP Jackson. LPN Blake was notified to complete an assessment of [redacted] due to him hitting his head. When [redacted] arrived at his room, Latessa Smith yelled at [redacted] to take off his shoes. DSP Jackson told Latessa Smith that she should not yell at [redacted]. DSP Johnson reported that he was walking out of [redacted] s room with DSP Jackson when he saw Latessa Smith had a belt in her hand. Latessa Smith had gone to a closet in the Main Room where a belt was stored, retrieved a belt and attempted to conceal the belt as she walked in front of a security camera. Your Affiant confirmed this activity by review of a security camera video. Ms. Smith then went to the room of the victim, [redacted] where she remained for approximately an hour.

[redacted] reported to the dining area for the scheduled meal and staff member Brittany Meeks in the dining area noticed welts on [redacted] s face and abdomen after Ms. Smith brought [redacted] to the area to eat. Staff members Jessica Jackson and Brittany Meeks noted that [redacted] arriving late for his meal was extremely unusual. [redacted] was also reported to be very withdrawn, quiet, and would not engage with staff like usual. A belt was later found in [redacted] s closet. A comparison of the belt in question and the marks on [redacted] s body were matched by staff members Pamela Johnson and LPN Shameka Blake. Director Schlein advised that the belt is the property of [redacted], to be used as needed for the residents. She further stated that belts are not kept in the individual rooms of the residents for safety reasons and to avoid the possibility of them being used as a weapon against staff.

Michael Johnson is a DSP employed by the [redacted] and was working at [redacted] on June 23, 2019 and provided a sworn recorded statement to your Affiant. Mr. Johnson stated that he was summoned to the outside area where [redacted] had his behavior to assist in escorting [redacted] back to his room. While in route to [redacted] s room Mr. Johnson saw Latessa Smith with the belt in her hand. A few minutes later, Mr. Johnson sent a message to Latessa Smith, via in-house electronic communication, saying, "I hope you're not planning on hitting him [redacted] with that belt, because that's not right".

Brittany Meeks is a DSP employed by the [redacted] and was working at [redacted] on June 23, 2019 and provided a sworn recorded statement to your Affiant.

¹ The name of the [redacted] have been reduced to initials to avoid the disclosure of confidential information pursuant to, inter alia, Federal HIPAA regulations and Section 409.920(9)(f)(2013), Florida Statutes.

Ms. Meeks observed [redacted] having the behavior outside and was present when Latessa Smith was sent to [redacted] s room to remove objects that could be potential weapons. Ms. Meeks stated that when [redacted] finally showed up for his meal, he was very withdrawn, timid, and not his usual self. Ms. Meeks noticed the red welt on [redacted] s face, summoned Ms. Jackson, and the two of them located the second mark on [redacted] s abdomen.

Jessica Jackson is a Lead DSP employed by the [redacted] and was working at [redacted] on June 23, 2019 and provided a sworn recorded statement to your Affiant. Ms. Jackson stated that she observed [redacted] having a negative behavior which resulted in a small abrasion to the back of [redacted] s head and required that he be escorted back to his room by staff. Ms. Jackson further stated that Ms. Smith was sent to [redacted] s room to remove any objects that could be thrown or used to assault staff. Ms. Jackson came to [redacted] s room shortly after he was escorted there by staff to make sure that he was resting. Ms. Jackson left the room a short time later, leaving Ms. Smith alone in the room with [redacted]. Ms. Jackson stated that several members of staff called to [redacted] to report to the dining area, but [redacted] did not show up right away. When [redacted] finally showed up for his meal he was very quiet, withdrawn, and non-engaging with staff. Shortly thereafter, another staff member noticed the red welt on [redacted] s face and summoned Ms. Jackson to look at it, stating, "this looks like a belt mark". Ms. Jackson assisted another staff member in assessing injuries to [redacted] and discovered another welt on his abdomen. Ms. Jackson then notified Ms. Johnson, the on-duty supervisor, of her findings.

Shameka Blake is a Licensed Practical Nurse employed by the [redacted] and was working at [redacted] on June 23, 2019 and provided a sworn recorded statement to your Affiant. Ms. Blake was the nurse on duty the day of this incident. Ms. Blake checked [redacted] after his behavior outside and observed the abrasion to the back of his head. Ms. Blake stated that at the time she checked [redacted] (after the behavior) there were no other injuries or marks on him. Ms. Blake was later summoned to look at the welts once they were discovered, and she and Supervisor Pamela Johnson located the belt in [redacted] s closet that matched to the marks on [redacted] s face and abdomen. Photographs show an impression of a belt mark along the face of [redacted] around his left eye and another belt mark on [redacted] s abdomen.

Pamela Johnson provided a recorded sworn statement to your Affiant. Ms. Johnson said she was the on-duty supervisor on the day this incident occurred. Ms. Johnson was summoned by other staff to look at the marks on [redacted] s face and abdomen when they were discovered. Ms. Johnson talked to and took statements from the other staff members that had interacted with [redacted] to try to determine who and what caused the injuries. Ms. Johnson also assisted Ms. Meeks in matching the belt they found in [redacted] s closet to the marks on his face and abdomen. Once Ms. Johnson completed her initial inquiry, she decided to send Latessa Smith home for the remainder of the shift.

Your Affiant has made numerous attempts to contact Ms. Latessa Smith, including leaving messages with her mother. Ms. Smith has left two voicemail messages on my office phone, but no number to reach her. Ms. Smith's mother stated that Ms. Smith does not currently have a working cell phone, and the mother stated that Ms. Smith is working, but the mother doesn't know where.

Your Affiant has reviewed statements made initially by staff, photographs taken the day of this incident, in-house investigation notes, video surveillance of the Main Room, APD report of incident
 Your Affiant has conducted and reviewed sworn interview statements by staff members working on the date incident occurred. Based on the evidence and testimony reviewed by your affiant, it is the belief of your Affiant that this allegation did occur and that the identified perpetrator was LATESSA SMITH, and that she committed these acts in violation of Florida Statute 825.102(1) as Latessa Smith struck a disabled adult, about the face and abdomen with a belt, an intentional act that could reasonably be expected to result in physical or psychological injury to a disabled adult, a third degree felony in violation of Florida Statutes.

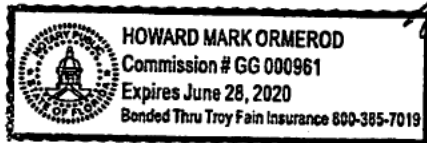
Wherefore, your Affiant requests that an Arrest Warrant be issued commanding the Sheriffs of the State of Florida, all or singular, their deputies, the Commissioner of the Florida Department of Law Enforcement, any of his constituted agents, the Attorney General's Medicaid Fraud Control Unit and its duly appointed Law Enforcement Investigators and all Florida Police Officers, with the proper and necessary assistance, to arrest the Defendant, Latessa Chakia Smith.

Robert Smith
 Robert Smith, Affiant
 Law Enforcement Investigator
 Office of the Attorney General
 Medicaid Fraud Control Unit

The foregoing instrument was acknowledged before me this 29 day of August, 2019 by Robert Smith who is personally known to me ✓ or who has produced as identification and who did take an oath.

Howard Mark Ormerod
 Signature of Notary Public

(Seal)



Howard Mark Ormerod
 Print Name of Notary

Notary Commission Expires:

The Court finds probable cause,
Wayne JH
 8-29-19